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COMMISSION ON HUMAN RIGHTS
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Item 10 of the provisional agenda

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Written statement submitted by the International Federation of Human Rights, a non-governmental organization in consultative status (category II)

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[18 March 1996]

1. The International Federation of Human Rights Leagues (FIDH) is honoured to transmit to the Commission on Human Rights of the United Nations the recommendations adopted at the end of the meeting of the associations from the former Yugoslavia, which was held from 23 to 25 February 1996 in Maribor, Slovenia, and organized by FIDH and IZBOR (Defence of the Victims of Ethnic Discrimination), and with the assistance of the European Union. This meeting corresponds to the second step of an FIDH judicial cooperation programme aimed at supporting human rights defenders in post-Yugoslav States.

2. This document was signed by eight associations: Civic Committee for Human Rights (Zagreb); Anti-War Centre's Council for Human Rights (Belgrade); Committee for the Defence of Human Rights and Liberties (Prishtina); Human Rights Office (Tuzla); Sandjak Committee for the Defence of Human Rights and Liberties (Novi Pazar); Montenegro Human Rights League; Civic Link Human Rights Centre (Ljulbjana); ISCOMET (Maribor).

3. The common recommendations turned to the organizations' priority fields of action in the new political and institutional context drawn by the Dayton Agreements, that is to say the question of citizenship and nationality; the refugees' right to return; and the fight against impunity, especially regarding the activity of the International Criminal Tribunal for the former Yugoslavia.

4. FIDH considers that these recommendations concern essentially the Commission on Human Rights, considering the attention it gives to the human rights situation in the former Yugoslavia and the important action undertaken by the Special Rapporteur, Ms. E. Rehn. Therefore, FIDH invites the Commission on Human Rights to act in the direction indicated by these recommendations.

PREAMBLE

"The participants record that since the Skopje conference 1/, the post Yugoslavian States, far from strengthening the democratic process and the implementation of human rights, have adopted rules and laws that are opposed to the recommendations adopted in Skopje in May 1995.

Today, they reiterate these recommendations.

They consider that, despite the Dayton Agreements' hope for peace, this hope remains fragile.

Furthermore, they reaffirm that there is no lasting peace without the strengthening of the Rule of Law, and if the perpetrators of the most serious crimes as defined in the Statue of the International Penal Court for the former Yugoslavia (IPC) remain unpunished.

Moreover, the participants reaffirm the need to protect and respect human rights, in particular the right for the refugees to return in dignity and in safety, and also the free right to obtain citizenship without hindrances nor discriminations.

Recommendations Relating to the International Penal Court

Recalling that the juridical basis for the establishment of the International Penal Court is to work towards the maintenance of peace and of international security, the participants ask the International Community to support the action of the International Penal Court and to give it the means, especially financially, to carry on the work accomplished henceforth.

Accordingly, they ask the post-Yugoslavian States to adapt their national legislation immediately, in conformity to the relevant resolutions of the Security Council.

Drawing the outcome of the signature of the Dayton Agreements, they appeal to the Belgrade authorities to acknowledge without ambiguity the competence of the International Penal Court, and they ask the Zagreb and

Belgrade authorities to adapt their national legislation accordingly and to cooperate with the International Penal Court actively and without restrictions.

The participants ask in particular the post-Yugoslavian State, the International Community, and the IFOR to take all necessary measures for the preservation of all pieces of evidence of the committed crimes, and especially to protect the mass graves, and to arrest the suspects and bring them to trial.

Recommendations Relating to Refugees and Displaced Persons

The participants insistently ask the post-Yugoslavian States to adapt their legislation, including by the abolition of any contrary disposition, in order to conform them to the dispositions of the Dayton Agreements relating to refugees.

They recall Article 1 of the Dayton Agreements under which refugees and displaced persons have the voluntary choice of returning to their original residence and the right to get their properties back and to receive compensation. Also, the security of the people have to be guaranteed.

They ask for the establishment of legal, financial and social aid centres, in order to ease the return and settlement of refugees and displaced persons.

Moreover, they recommend the creation of an international fund, which mandate would be to ensure all competent institutions, including the above-mentioned centres, economic means in order to fulfil their mission of aid for the return of refugees.

The participants believe it would be judicious to postpone the elections to the limit date planned by the Dayton Agreements, so that they can take place under the best possible conditions, in order to guarantee the refugees' right to participate in the elections in their original constituencies, even if their effective return has not happened yet.

They recall that there is no free and sincere poll without a pluralistic access to all the media and ask the International Community to bring all its support to this end.

They stress the specific responsibility of the OSCE in the organization of the electoral operations.

Moreover, the participants insist that the concerned authorities lift any hindrance, in particular administrative, to the effective return of refugees and displaced persons, by recalling that the right to return to one's country of origin is one of the inalienable human rights. They reaffirm that the protection of this right is intimately linked to the

dispositions relating to citizenship that will have to be adopted as follows. Such protection can only be guaranteed in a climate of reconciliation.

Recommendations Relating to Citizenship

The participants reaffirm the recommendations adopted during the Skopje conference on citizenship, while stressing that it would be indispensable on the one hand for the statute of statelessness to be excluded from all legislation and the final rule, and on the other hand, for the rights obtained in the previous State to be respected by all successor States of the former Federal Socialist Republic of Yugoslavia.

The participants recall that every person must have the choice to take into consideration their last residence at the date of the States' succession as the criterion for the attainment of citizenship.

Recalling that in Skopje they advocated the signature of a multilateral treaty, ratified by all the successor States and internationally guaranteed, which would settle the question of citizenship in respect of the above-mentioned principles, they ask for the necessary preparation for the establishment of such a treaty to be held within the framework of the forthcoming succession conference.

Recommendations Relating to the Situation in Kosovo

The participants recall that the signature of the Dayton Agreements must not live down the extreme seriousness of the individual and collective violations of human rights in Kosovo, especially for the Albanians, and that this situation permanently threatens peace and international security in the region.

The participants urgently call on the authorities of the Federal Republic of Yugoslavia to take appropriate action immediately in order to stop these violations, considering that the keeping of this situation is threatening the very existence of the Federal Republic of Yugoslavia.

General Recommendations

The participants call on all the Churches of the post-Yugoslavian States to be a factor of tolerance and reconciliation. More specifically, they invite all religious communities to participate without discrimination in the reconstruction of religious buildings.

The participants ask the post-Yugoslavian States and the International Community to foster the development of the local civil society and to associate it to the work of reconstruction.

The participants, recalling that the current attacks on the freedom of thought and of expression constitute a very serious factor of deterioration of the Rule of Law, ask all the concerned States to put an end to this immediately.

They recall in particular that the Albanian populations from Kosovo have been denied access to any media for the past six years.

The participants, condemning the hate media, recall that freedom of speech must be enjoyed in the respect of the judicial norms, including the international ones, relating to the prohibition of the incitement to racial, national, ethnic or religious hatred.

The participants, willing to amplify their common actions, decide on the creation of an ad hoc joint Committee which mandate will be to address recommendations of all common actions towards the United Nations Commission on Human Rights on the one hand and, on the other hand, to make any proposal in order to strengthen the action of the joint Committee.

They have already mandated the Civic Committee for Human Rights (Zagreb), the Council for Human Rights (Belgrade) and the Committee for the Defence of Human Rights and Liberties (Pristine) to act as representatives of the joint Committee during the fifty-second session of the United Nations Commission on Human Rights.

The participants, in collaboration with FIDH, bind themselves to take all necessary measures for the enforcement of the present recommendations."

Note

1/ The Skopje Conference was the first step of the FIDH Judicial Cooperation Programme, and held in Skopje from 19 to 21 May 1995.